

CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley
Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-05200-RJS
Internal Use Only

Canavan et al v. Harbeck et al
Assigned to: Judge Richard J. Sullivan
Case in other court: New Jersey, 2:10-cv-00954
Cause: 28:1332 Diversity-Fraud

Date Filed: 07/08/2010
Date Terminated: 07/13/2010
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Lissa Canavan

represented by **Peter W. Smith**
BECKER & POLIAKOFF, LLP
45 BROADWAY
NEW YORK, NY 10006
212-599-3322
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Helen Davis Chaitman
Phillips Nizer LLP
666 5th Avenue
New York, NY 10103
212-841-1320
Fax: 212-262-5152
Email: HChaitman@becker-poliakoff.com
ATTORNEY TO BE NOTICED

Plaintiff

Leslie Goldsmith

represented by **Peter W. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Helen Davis Chaitman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Judith Kalman
on behalf of themselves and all others
similarly situated

represented by **Peter W. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Helen Davis Chaitman
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Stephen Harbeck

represented by **Alan S. Naar**
GREENBAUM, ROWE, SMITH
& DAVIS, LLP
METRO CORPORATE CAMPUS ONE
PO BOX 5600
WOODBIDGE, NJ 07095-0988

(732) 549-5600
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
GREENBAUM, ROWE, SMITH, RAVIN,
DAVIS & HIMMEL LLP
6 BECKER FARM ROAD
ROSELAND , NJ 07068
(973) 535-1600
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Todd S. Farha

represented by **Alan S. Naar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Armando J. Bucelo, Jr.

represented by **Alan S. Naar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William H. Heyman

represented by **Alan S. Naar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William S. Jasien

represented by **Alan S. Naar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mark S. Shelton

represented by **Alan S. Naar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Rowe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States of America

represented by **Jeffrey Paul Ehrlich**
United States Department of Justice(DC)
Post Office Box 888
Ben Franklin Station
Washington , DC 20044
(202)-353-2574
Fax: (202)-616-5200
Email: jeff.ehrlich@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/24/2010	<u>1</u>	COMPLAINT against ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (Filing fee \$ 350 receipt number 2965744.) JURY DEMAND. Summons Attached., filed by LESLIE GOLDSMITH, LISSA CANAVAN, JUDITH KALMAN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(dr,) [Transferred from New Jersey on 7/9/2010.] (Entered: 02/24/2010)
02/24/2010	<u>2</u>	SUMMONS ISSUED as to ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *DIANNE C.RICHARDS* (dr,) [Transferred from New Jersey on 7/9/2010.] (Entered: 02/24/2010)
03/05/2010	<u>3</u>	Letter from Mag. Judge Patty Shwartz advising of some requirements established for the early stages of the litigation. (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/08/2010)
03/16/2010	<u>4</u>	NOTICE of Appearance by PAUL A. ROWE on behalf of ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (ROWE, PAUL) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>5</u>	NOTICE of Appearance by ALAN S. NAAR on behalf of ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>6</u>	Letter from Paul Rowe requesting leave to file motion to transfer venue. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)

03/16/2010	<u>7</u>	ACKNOWLEDGMENT OF SERVICE Executed by WILLIAM H. HEYMAN. WILLIAM H. HEYMAN served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>8</u>	ACKNOWLEDGMENT OF SERVICE Executed by STEPHEN HARBECK. STEPHEN HARBECK served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>9</u>	ACKNOWLEDGMENT OF SERVICE Executed by TODD S. FARHA. TODD S. FARHA served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>10</u>	ACKNOWLEDGMENT OF SERVICE Executed by ARMANDO J. BUCELO, JR. ARMANDO J. BUCELO, JR served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>11</u>	ACKNOWLEDGMENT OF SERVICE Executed by WILLIAM S. JASIEN. WILLIAM S. JASIEN served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>12</u>	ACKNOWLEDGMENT OF SERVICE Executed by DAVID G. NASON. DAVID G. NASON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>13</u>	ACKNOWLEDGMENT OF SERVICE Executed by MARK S. SHELTON. MARK S. SHELTON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/16/2010	<u>14</u>	ACKNOWLEDGMENT OF SERVICE Executed by DAVID J. STOCKTON. DAVID J. STOCKTON served on 3/8/2010, answer due 3/29/2010. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/16/2010)
03/17/2010	<u>15</u>	TEXT ORDER, (There shall be a telephone conference set for 3/18/2010 10:30 AM before Magistrate Judge Patty Shwartz. Defendant shall initiate the telephone call.)ORDERED by Magistrate Judge Patty Shwartz on 3/17/10. (Liriano, I) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/17/2010)
03/18/2010	<u>16</u>	Letter from Helen Davis Chaitman. (CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/18/2010)
03/18/2010	<u>17</u>	ORDER ON INFORMAL APPL. that, no later than 4/6/10, the pltf. &the federal defts. shall advise the Court whether or not the pltf. will be proceeding at this time against the federal defts. or the US; if the claims against the federal defts./US are dismissed, then no sooner than 5 days after such notice &no later than 4/23/10, the private defts. may file a motion to transfer or change venue &the brief in support thereof shall be no longer than 25 pgs; etc.. Signed by Magistrate Judge Patty Shwartz on

		3/18/10. (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/19/2010)
03/18/2010		Minute Entry for proceedings held before Magistrate Judge Patty Schwartz: Telephone Conference held on the record on 3/18/2010. (Court Reporter/Recorder ECR.) (aa,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/07/2010)
03/25/2010	<u>18</u>	Application and Proposed Order for Clerk's Order to extend time to answer as to Defendants.. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/25/2010)
03/26/2010		CLERKS TEXT ORDER – The Application for a Clerks Order Extending Time to Answer – Document #18 submitted by (A. NAAR) on (3/25/10) has been GRANTED. The answer due date has been set for (4/12/10). (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/26/2010)
03/31/2010	<u>19</u>	Letter re <u>17</u> Order on Oral Motion,,. (CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/31/2010)
03/31/2010	<u>20</u>	Letter from Alan S. Naar requesting conference re <u>19</u> Letter. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 03/31/2010)
04/01/2010	<u>21</u>	Letter from from Alan S. Naar confirming telephone conference time and date. (NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/01/2010)
04/05/2010	<u>22</u>	ORDER ON INFORMAL APPL. that, no later than 4/9/10, the US shall file its motion to substitute itself as a pty; opposition due 4/19/10; replies due 4/26/10; return date 5/3/10; that, no later than 4/23/10, the nonfederal defts. may file a motion to transfer; opposition due 5/3/10; replies due 5/10/10; return date 5/17/10; denying the request for a stay of disc.; denying pltf's request for leave to file a partial motion for summary judgment on liability; etc.. Signed by Magistrate Judge Patty Schwartz on 4/5/10. (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/06/2010)
04/05/2010		Minute Entry for proceedings held before Magistrate Judge Patty Schwartz: Telephone Conference held on the record on 4/5/2010. (Court Reporter/Recorder ECR.) (aa,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/22/2010)
04/09/2010	<u>24</u>	MOTION to Substitute Party by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Brief, # <u>2</u> Certification, # <u>3</u> Text of Proposed Order)(EHRlich, JEFFREY) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/09/2010)
04/12/2010		Set Deadlines as to <u>24</u> MOTION to Substitute Party. Motion set for 5/3/2010 before Judge Faith S. Hochberg. The motion will be decided on the papers. No appearances required unless notified by the court. (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/12/2010)
04/14/2010	<u>25</u>	NOTICE of Appearance by PETER W. SMITH on behalf of LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN (SMITH, PETER) [Transferred from New

		Jersey on 7/9/2010.] (Entered: 04/14/2010)
04/19/2010		(Court only) Motions No Longer Referred: <u>24</u> MOTION to Substitute Party (aa,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/19/2010)
04/19/2010	<u>26</u>	BRIEF in Opposition re <u>24</u> MOTION to Substitute Party <i>Plaintiffs' Opposition to Motion to Substitute the United States as a Party</i> filed by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN. (CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/19/2010)
04/19/2010	<u>27</u>	CERTIFICATE OF SERVICE by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN re <u>26</u> Brief in Opposition to Motion <i>Plaintiffs' Opposition to Motion to Substitute the United States as a Party</i> (CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/19/2010)
04/23/2010	<u>28</u>	MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court by ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H. HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON. (Attachments: # <u>1</u> Brief in Support of Motion to Transfer Case, # <u>2</u> Affidavit of Alan S. Naar, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/23/2010)
04/26/2010		Set Deadline as to <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court. Motion set for 5/17/2010 before Judge Faith S. Hochberg. The motion will be decided on the papers. No appearances required unless notified by the court. (sr,) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/26/2010)
04/26/2010	<u>29</u>	REPLY to Response to Motion re <u>24</u> MOTION to Substitute Party filed by UNITED STATES OF AMERICA. (EHRlich, JEFFREY) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/26/2010)
04/28/2010	<u>30</u>	Letter from Jeffrey Paul Ehrlich, on behalf of the United States of America, re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court. (EHRlich, JEFFREY) [Transferred from New Jersey on 7/9/2010.] (Entered: 04/28/2010)
05/03/2010	<u>31</u>	MEMORANDUM in Opposition re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court <i>Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Transfer Venue</i> filed by LISSA CANAVAN, LESLIE GOLDSMITH, JUDITH KALMAN. (Attachments: # <u>1</u> Certificate of Service)(CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 05/03/2010)
05/10/2010	<u>32</u>	REPLY BRIEF to Opposition to Motion re <u>28</u> MOTION to Transfer Case to United States District Court for the Southern District of New York for Referral to Bankruptcy Court filed by ARMANDO J. BUCELO, JR, TODD S. FARHA, STEPHEN HARBECK, WILLIAM H.

		HEYMAN, WILLIAM S. JASIEN, DAVID G. NASON, MARK S. SHELTON, DAVID J. STOCKTON. (Attachments: # <u>1</u> Certificate of Service)(NAAR, ALAN) [Transferred from New Jersey on 7/9/2010.] (Entered: 05/10/2010)
06/28/2010	<u>33</u>	Letter from Helen Davis Chaitman. (CHAITMAN, HELEN) [Transferred from New Jersey on 7/9/2010.] (Entered: 06/28/2010)
07/01/2010	<u>34</u>	Letter from Trustee To the Court regarding Pending Motion. (SHEEHAN, DAVID) [Transferred from New Jersey on 7/9/2010.] (Entered: 07/01/2010)
07/06/2010	<u>35</u>	ORDER granting <u>28</u> Motion to Transfer Case to SO. DIST. OF NY ***CIVIL CASE TERMINATED; granting <u>24</u> Motion to Substitute Party. DAVID G. NASON and DAVID J. STOCKTON terminated. Signed by Judge Faith S. Hochberg on 7/6/10. (DD,) [Transferred from New Jersey on 7/9/2010.] (Entered: 07/07/2010)
07/07/2010		(Court only) ***Release Transcript Deadlines terminated. (ji,) [Transferred from New Jersey on 7/9/2010.] (Entered: 07/07/2010)
07/09/2010	<u>36</u>	CASE TRANSFERRED IN from the United States District Court – District of New Jersey; Case Number: 2:10–cv–00954. Original file with documents numbered 1 – 35, certified copy of transfer order and docket entries received. (ldi) (Entered: 07/09/2010)
07/09/2010		Magistrate Judge James L. Cott is so designated. (ldi) (Entered: 07/09/2010)
07/09/2010		Case Designated ECF. (ldi) (Entered: 07/09/2010)
07/09/2010		NOTE TO OUT OF STATE ATTORNEYS: Please visit the Court's website at http://www.nysd.uscourts.gov for information regarding admission to the S.D.N.Y. Bar and the CM/ECF Rules & Filing Instructions. (ldi) (Entered: 07/09/2010)
07/09/2010	<u>37</u>	Objection <i>Letter to Hon. James L. Cott</i> . Document filed by Lissa Canavan, Leslie Goldsmith, Judith Kalman. (Chaitman, Helen) (Entered: 07/09/2010)
07/12/2010	<u>38</u>	ORDER. No later than Friday, July 16, 2010, the parties shall submit a joint letter, not to exceed ten (10) pages, providing, in separate paragraphs as set forth in this order. The joint letter shall be sent directly to the chambers' email address at sullivanysdchambers@nysd.uscourts.gov . The Court will thereafter hold a status conference on July 23, 2010, at 2:30 p.m. in Courtroom 21C, United States District Court, 500 Pearl Street, New York, New York. (Status Conference set for 7/23/2010 at 02:30 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan.) (Signed by Judge Richard J. Sullivan on 7/9/10) (rjm) (Entered: 07/12/2010)
07/12/2010	<u>39</u>	Objection <i>Letter to Hon. Richard J. Sullivan</i> . Document filed by Lissa Canavan, Leslie Goldsmith, Judith Kalman. (Chaitman, Helen) (Entered: 07/12/2010)
07/13/2010	<u>40</u>	ORDER: Accordingly, this case is referred to the United States Bankruptcy Court for the Southern District of New York, pursuant to 28 U.S.C. § 157(a). See Standing Order

		of the Hon. Robert J. Ward dated July 10, 1984. The case before this Court should be marked administratively closed and all motions in this Court marked administratively terminated. (Signed by Judge Richard J. Sullivan on 7/13/2010) (jpo) (Entered: 07/14/2010)
07/13/2010		Transmission to the Case Openings Clerk. Transmitted re: 40 Order, to the Case Openings Clerk for case processing. (jpo) (Entered: 07/16/2010)
07/13/2010		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court – Southern District of New York. (laq) (Entered: 07/21/2010)